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Summary record of the 3146th meeting
Held at the Palais Wilson, Geneva, on Monday, 23 March 2015, at 3 p.m.

Chairperson: Mr. Salvioli

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Third periodic report of Croatia (CCPR/C/HRV/3; CCPR/C/HRV/Q/3)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*

2. **Ms. Artuković Kunšt** (Croatia) said that Croatia was committed to the implementation of the Covenant and to the furtherance of human rights in general. Great strides had been made in the protection of human rights in Croatia, partly as a consequence of its adoption of sophisticated standards in the course of the challenging negotiations that had preceded its entry into the European Union on 1 July 2013 and its establishment of a strong human rights track record.

3. The legislative and institutional framework for the protection and promotion of human rights in Croatia was continuously being improved through the enactment of new laws and the development of national strategies, programmes and projects. The Free Legal Aid Act of 2014 facilitated citizens' access to the judicial system. Basic legal assistance was now available to everyone, and some of the more complex forms of assistance could also be provided without verification of the beneficiary's income status. Moreover, verification of income status was never required for victims of violent crimes.

4. Under the Act for the Protection of Persons with Mental Disorders of 2015, the medical approach had been replaced by a human-rights-based approach in line with the Convention on the Rights of Persons with Disabilities. The right of persons suffering from a mental disorder to take part in legal proceedings affecting them was also upheld, as was the principle of non-institutional psychiatric treatment for such persons. The maximum period of admission of a person with a mental disorder to a psychiatric institution had been reduced to 48 hours.

5. The Act on Professional Rehabilitation and Employment of Persons with Disabilities of 2014 had introduced an obligatory quota for the employment of persons with disabilities. Compliance with the quota was monitored by the Institute for Expert Analyses, Professional Rehabilitation and Employment of Disabled Persons. The Social Welfare Act of 2014 provided the basis for a fairer, standardized and transparent welfare system.

6. Human rights and freedoms were guaranteed by the Constitution and by the Constitutional Act on the Rights of National Minorities and other laws. A task force had been appointed to develop a new national scheme for the elimination of discrimination for 2015–2020. The adoption of the Life Partnership Act of 2014 had been a major step forward in upholding the rights of same-sex couples. Progress had also been achieved in the area of gender equality. Under the amended Act on the Election of Representatives to the Croatian Parliament of 2015, the National Election Commission would no longer accept lists if either gender were represented by less than 40 per cent of the candidates. That quota was also applied under the Local Elections Act. The 2011–2015 National Gender Equality Policy focused on the promotion of a gender balance in the business environment, in the labour market and in education.

7. Croatia had signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence on 22 January 2013, thereby demonstrating its commitment to the prevention of all forms of discrimination and violence against women.

8. A national programme of psychosocial and medical assistance for participants in the Homeland War and the Second World War, victims of those wars and returnees from

peacekeeping missions had been established in January 2014. The categories of eligible programme beneficiaries had been extended to include victims and witnesses of rape and sexual harassment during the Homeland War, victims and witnesses of war crimes, disabled peacetime military veterans and members of their families, civilian victims of the Homeland War and others. Work was proceeding on a bill to protect the rights of victims of sexual violence in the Homeland War as well. Croatia had continued to investigate and prosecute persons suspected of committing war crimes, and a memorandum of understanding had been signed in September 2014 between the State Attorney's Office and the Office of the Prosecutor of the Mechanism for International Criminal Tribunals, which would continue to perform essential functions of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia after the completion of their mandates.

9. The provisions of the new Criminal Code, particularly those dealing with human trafficking and the sexual exploitation of children, had been aligned with international and European Union instruments, and work was moving forward on further amendments dealing with the criminal offence of domestic violence.

10. Croatia had endeavoured to improve the prison system and the treatment of prisoners. The number of prisoners had been declining, and new prison facilities had been built, with the result that there was now sufficient capacity to accommodate all prisoners. Under the new Obligatory Health-Care Insurance Act, prisoners who were residents of Croatia were entitled to medical insurance. An ordinance on the treatment of persons being held in police detention units had been adopted in June 2014 in order to align Croatian law with the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

11. The Government of Croatia had devoted special attention to the prevention of human trafficking. In addition to the criminal laws and jurisprudence that were in place, it had organized numerous awareness-raising campaigns and was funding a toll-free anti-trafficking hotline.

12. **Mr. Rodríguez-Rescia** asked what measures were being taken by the State party to promote awareness of the Covenant, to disseminate the Committee's previous recommendations, and to inform the general public about the action it was taking to implement the Covenant and those recommendations. He had looked at the websites of the Ministry of Justice and the Ministry of Foreign Affairs and had been unable to find any such information. He asked whether a systematic plan had been adopted for publicizing the Committee's past and forthcoming concluding observations. He also wished to know how civil society was involved in the work of promoting and protecting human rights.

13. He was gratified to see that article 141 of the Croatian Constitution provided that international treaties had primacy over national laws. The Committee would be interested in hearing about cases before the Constitutional Court or in criminal or civil courts in which there had been a conflict between a national law and the Covenant or other international human rights treaties. Commending Croatia on its ratification of a large number of human rights treaties, he enquired about progress towards ratification of the Second Optional Protocol to the Covenant, the International Convention for the Protection of All Persons from Enforced Disappearance and the Council of Europe Convention on preventing and combating violence against women and domestic violence. The Committee had been informed that very few courts invoked human rights treaties. He would be interested to learn whether the State party had developed indicators for assessing the impact of the National Plan for the Protection and Promotion of Human Rights and of human rights treaties at the local, regional and national levels. He would also like to know what training courses on the application of human rights treaties and relevant international jurisprudence were available to judges, prosecutors and lawyers. There was some concern that university

law faculties should be taking more effective action to promote human rights education and awareness-raising.

14. **Mr. Vardzelashvili**, referring to question No. 4 of the list of issues, noted that the Committee had found Croatia to be in violation of the Covenant in two cases. The State party had informed the Committee that, in the case of *Paraga v. Croatia*, legal proceedings had been conducted at different levels of the judiciary and that, in the case of *Vojnović v. Croatia*, it had also responded to the author's request and provided an effective remedy. During the follow-up process, the State party had informed the Committee that it was not in full agreement with its Views but had nevertheless proceeded to implement them, which was certainly a commendable approach. He would appreciate additional information about the rules governing the follow-up process. Noting that both sources had said that they were still dissatisfied, he asked whether any further procedures were available that could have an impact on the outcome.

15. Turning to question No. 5 of the list of issues, he said that, while article 14 of the Constitution did indeed guarantee equality before the law for all persons without discrimination, other provisions of the Constitution seemed to imply that protection was afforded only to Croatian citizens in some cases. Article 17, for example, stated that the curtailment of rights and freedoms during a state of emergency should not result in "the inequality of citizens". Did that mean that the rights of foreign nationals or stateless persons would not be protected under those circumstances? In one English version, article 26 stated that citizens and "aliens" enjoyed equality before the courts. In another, the word "aliens" was replaced by "foreign nationals". He asked whether the term in the original version of the Constitution covered both foreign nationals and stateless persons residing in Croatia. The Ombudsman had noted that most stateless persons in Croatia belonged to the Roma community. According to the second periodic report, under article 80 of the State Administrative System Act, only citizens and legal persons were entitled to submit petitions and complaints to administrative bodies. Articles 306 and 309 of the Civil Procedure Act contained similar wording. He would like to know whether the legislation had been amended in the meantime.

16. Turning to question No. 6 of the list of issues, he noted that the Office of the Ombudsman had been accredited by the International Coordinating Committee in 2013 as a national human rights institution with "A" status. The Ombudsman Act designated the Office as the national mechanism for the prevention of torture and empowered the Ombudsman to intervene in court proceedings in certain cases. He welcomed the enhancement of cooperation between the Office of the Ombudsman and NGOs, but he wished to know whether funding allocations were commensurate with the Ombudsman's new mandate and whether the Office itself was involved in drawing up the budget. According to a recent report by the Ombudsman, a number of regional ombudsman's offices had already been opened. Were there plans to open any additional offices? He understood that one of the main challenges facing the Office of the Ombudsman was some public authorities' failure to respond promptly to questions raised by the Office. He would like to know whether any penalties could be imposed on public officials who refused to provide requested information.

17. According to the State party's reply to question No. 12 of the list of issues, the preconditions for curtailing constitutionally guaranteed rights and freedoms under article 17 of the Constitution were a state of war, any clear and present danger to the independence and unity of the State, and a natural disaster. According to article 4 of the Covenant and the Committee's general comment No. 29, a state of emergency could be triggered only by a situation that threatened "the life of the nation". It had been argued that article 17 of the Constitution provided a lower standard of protection than the Covenant. Article 4, paragraph 2, of the Covenant listed the articles from which no derogation could be made,

but it did not follow that other articles could be derogated from at will. Derogations should be justified on a case-by-case basis. He asked whether the State party considered that the provisions of article 17 of the Constitution contained sufficient guarantees for all residents of Croatia.

18. **Ms. Pazartzis**, referring to question No. 7 of the list of issues, said that she welcomed the adoption of the Anti-Discrimination Act and the expansion of the Ombudsman's mandate to encompass a wider range of issues related to discrimination. She would like to know what concrete measures had been taken to combat discrimination on grounds of racial, national or ethnic origin and to what extent the Anti-Discrimination Act had been implemented. Concern had been expressed about the small number of discrimination-related court cases and the failure to systematically keep full records of proceedings. She wondered whether the fact that such proceedings were infrequent might be due to a lack of public awareness of the Anti-Discrimination Act or to fears of victimization. She asked what percentage of rulings in discrimination-related cases had been in favour of complainants and what percentage had gone against them, whether collective complaints had been filed, especially concerning discrimination on grounds of race, ethnic origin, affiliation, colour or religion, and what types of sanctions had been imposed in cases where the complaint had been upheld.

19. She wished to know whether the State party had taken concrete measures to protect members of the Serb minority from discrimination, since the Committee had been informed that Croatian Serbs still faced problems with respect to housing and public-sector employment. Had any steps been taken to restore people's tenancy rights to social housing that they had vacated during the conflict? She would appreciate information about efforts to address violence, harassment and discrimination against the Roma community. The issue had been raised in a report by the Commissioner for Human Rights of the Council of Europe in 2010 and had been the subject of a judgement by the European Court of Human Rights in the *Oršuš and others v. Croatia* case. She would like to know whether Roma children still attended segregated classes and whether the Free Legal Aid Act had been brought to the attention of the Roma population. What steps have been taken to promote the official and public use of minority languages, education in those languages, and the preservation and establishment of religious communities? It would be of interest to learn what steps were being taken to implement the judgement of the European Court of Human Rights in favour of the Union of Churches in the case of *Savez crkava "Riječ života" and others v. Croatia*. She invited the State party to comment on the 2014 finding of the Constitutional Court that a petition for a referendum on minority language rights was unconstitutional.

20. She asked for information on the number of hate crimes committed in Croatia. She would like to know what the practical effects of the measures adopted to address them were, whether the authorities ensured that they were promptly investigated and that offenders were punished and how the prosecution of hate crimes was monitored.

21. **Ms. Waterval** said that she would like more information on the types of assistance provided to victims of sexual violence. She wished to learn more about the status of the action plan for improving the position of rural women. It would be useful to know whether the impact of the workshops, programmes and plans for rural women that had been organized had been assessed and, if so, what the results were. She would also like information on the results of the evaluation of the progress made in gender mainstreaming in school curricula. She asked how many shelters for women victims of violence were run by the State, whether funding for non-State shelters was sufficient and, if not, what other measures were in place to support them. She invited the delegation to comment on reports that the capacity of the shelters in Croatia fell short of what was recommended by the Council of Europe, that State funding did not cover the shelters' real costs and that shelters

had been instructed to look for funding elsewhere. Statistics would be appreciated on the number of complaints involving different forms of violence against women that had been filed, the number of convictions, the types of sentences handed down and the compensation awarded to victims.

22. She asked whether the compulsory psychosocial treatment for perpetrators of domestic violence was monitored and whether victims were informed that if they failed to file charges within the specified time frame, any protective measures that had been put in place would be rescinded. She wished to know whether persons who appealed court decisions had to be represented by counsel. Referring to paragraph 123 of the report, she asked whether the population was aware that victims who engaged in violence that went "beyond the scope of self-defence" would also be arrested. She would be interested to hear the delegation's comments on reports that domestic violence victims were often arrested in Croatia, that, in one case, the police had recommended that a woman whose husband had repeatedly threatened to kill her should be ordered to pay a fine six times greater than the recommended fine for her husband because she had insulted him, and that a woman who had been the victim of domestic violence but who had never lived with the perpetrator or had no children with him was not entitled to protection. She noted that, under Croatian law, economic and psychological violence were deemed to be on a par with physical violence and asked if that was the reason why women victims of domestic violence were often arrested along with the perpetrators. She invited the delegation to comment on reports that domestic violence victims seeking an emergency protection order were required to demonstrate that their life was in danger and that judges had refused to issue such orders for non-specific threats and other violent acts that did not meet certain criteria. The Committee had also received information that indicated that judges were not always available to consider urgent protection requests and that perpetrators of domestic violence could postpone the enforcement of protection orders by filing an appeal.

23. **Mr. Muhumuza** asked whether the delegation was concerned that firearms manufactured in Croatia might find their way into the hands of terrorists, particularly the Islamic State.

The meeting was suspended at 4.15 p.m. and resumed at 4.45 p.m.

24. **Mr. Sočanac** (Croatia) said that the Office for Human Rights and the Rights of National Minorities was tasked with establishing and implementing policies to protect and promote human rights and the rights of minorities and monitoring legislation to check that it was aligned with the Constitutional Act on the Rights of National Minorities and with international human rights instruments. The Office worked with ministries, State agencies and local institutions and was the point of contact for various international organizations. It also monitored the implementation of the National Programme for the Protection and Promotion of Human Rights and the action plan for the integration of foreigners and coordinated the activities of the standing committee that worked to promote the integration of foreigners into Croatian society. The Office also coordinated efforts to put a stop to human trafficking and acted as the secretariat for the National Committee for Combating Trafficking in Human Beings. Additionally, the Office monitored the implementation of the 2013–2020 National Strategy for Roma Inclusion and its action plan and provided technical support to the working group on hate crimes. Members of civil society organizations participated on an equal footing in all of those bodies. The Office reviewed the reports of the Ombudsman and monitored discrimination cases. In response to an earlier comment, he explained that replies from the Government to requests by the Ombudsman for information were often delayed because the drafting and approval process was a lengthy one.

25. The functions of the Croatian Human Rights Committee, which had been established in 2012, included monitoring the implementation of measures in the area of human rights, proposing legislation, collecting data and organizing seminars and workshops. The

Committee had organized sessions on legal aid, civic education, lesbian, gay, bisexual and transgender (LGBT) rights and the implementation of the National Programme for the Protection and Promotion of Human Rights. Its members had also participated in a capacity-building workshop. Unfortunately, NGO representatives had been present at only three of those sessions.

26. **Ms. Artuković Kunšt** (Croatia) said that the text of the Covenant, in Croatian, had been posted on the website of the Ministry of Justice since 2013 and was accessible to the public. It had been unavailable at some points in the past while the website was being updated, but the redesign work had now been finished. In response to an earlier question about the Views of the Committee in two cases that it had considered under the Optional Protocol, she said that the case relating to social housing tenancy rights, which had been a feature of the country's former socialist system, had been settled out of court. In the other case, an appeal had been filed with the Supreme Court, which had increased the amount of compensation to be paid to the victim of the violation.

27. **Mr. Sočanac** (Croatia) said that, in accordance with the Anti-Discrimination Act, the Office of the Ombudsman had been designated as the country's lead anti-discrimination agency. That legislation also provided for the introduction of victim advocates, for the filing of collective anti-discrimination claims and for witness protection mechanisms in discrimination cases. The scope of the work of the Office of the Ombudsman had been broadened, and its coordination with other ombudsmen and the courts had been strengthened. The Office for Human Rights and the Rights of National Minorities had organized information events for a range of stakeholders that focused on the European Union acquis and the Anti-Discrimination Act. The Office had also conducted national campaigns to raise awareness of the need to put a stop to discrimination.

28. The 2008–2013 National Plan for the Fight against Discrimination included measures that would upgrade the system for protecting people from discrimination and provided for the preparation of policy documents that were in line with the conclusions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the recommendations of both the Committee on the Elimination of Racial Discrimination and the European Commission against Racism and Intolerance.

29. Efforts were being made to raise public awareness of the right to non-discrimination and to encourage groups subject to discrimination to participate more fully in public affairs. The Office for Human Rights and the Rights of National Minorities had set up a working group to draft a new national action plan on discrimination for 2015–2020 and to assess the previous one. The new action plan would tackle a number of different types of discrimination (such as discrimination based on age, gender, disability, religion and other factors) in many different spheres, including employment, working conditions, education, access to goods and services, culture and the media. One of the goals would be to build partnerships with the entire range of stakeholders. The working group had met twice and had identified the measures to be taken under the new plan; a third and final meeting would take place to define progress indicators. Once the action plan was completed, the Office intended to hold public round tables to publicize it.

30. **Ms. Artuković Kunšt** (Croatia) said that the Government was fully committed to resolving the housing problems of persons who had been displaced by the war and, to that end, it had established the State Office for Reconstruction and Housing. The Office had identified the persons who had held tenancy rights to social housing units vacated during the war, but a decision regarding who was entitled to live in the available units still had to be made, and that decision needed to balance the rights of everyone involved.

31. **Ms. Puljić Žunjić** (Croatia), providing a statistical overview of efforts to house returnees and refugees, said that, since 2001, over 350,000 returnees had been registered

and 5.5 billion euros had been spent; 95 per cent of that sum had come from the State budget and the rest from international aid. Approximately 150,000 homes had been repaired or built at a total cost of 2.2 billion euros. Nearly 11 million euros in donations had already been earmarked for the construction or purchase of residential complexes and nursing homes for former tenancy right holders in 2015. Some 35,000 former tenancy right holders had received housing assistance, and over 19,000 homes had been returned to their original occupants. A regional housing programme was also being run jointly with the authorities of Bosnia and Herzegovina and of Serbia so that displaced persons could choose to remain in their host community or to return to their former place or country of residence.

32. The Government was aware of the urgency of resolving the housing situation, and it had therefore transferred that mandate to the local authorities and would be applying for additional funds from the Council of Europe Development Bank (CEB). The Government was also aware that encouraging people to return was not only a matter of providing housing, but also of facilitating their social and professional reintegration. For example, Croatian displaced persons and refugees who wished to return to their former place of residence could obtain certification of their status as returnees, which entitled them to health-care coverage and financial assistance for six months. Croatia was working in that connection with other countries in the region, as well as with CEB and the Office of the United Nations High Commissioner for Refugees (UNHCR).

33. **Mr. Sočanac** (Croatia) said that the Croatian population included 22 national minorities, which set it apart from the rest of Europe in terms of sheer numbers. Some 1.3 billion euros had been allocated for educational measures to benefit Roma children. A national strategy had been adopted for 2013–2020 that was in keeping with the European Union Framework for National Roma Integration Strategies. With a view to ensuring that all Roma children completed their primary education, a variety of measures had been put in place, including a preschool programme to prepare Roma children for primary school, a programme to teach them Croatian and an after-school programme. Additional funding was expected from the European Social Fund.

34. **Ms. Morosini Turčinović** (Croatia) said that social centres were conducting many different types of activities to raise the awareness of Roma parents about the importance of sending their children to school. Parents were being encouraged to monitor their children's academic achievements, and subsidies were available to cover the cost of school meals. Those and other such efforts were having a positive impact, as evidenced by higher school attendance, higher primary education completion rates, a more cooperative attitude on the part of many parents, fewer warnings issued to the parents of absent children and fewer child beggars.

35. **Mr. Rodríguez-Rescia** requested more detailed information on the results of the many different programmes for minorities and on the effective implementation of international instruments. Pointing out that the State party's replies regarding the training of judges and lawyers had been very general, he asked what the content of the training programme was and what budget was allocated for it. He wished to know what percentage of the Ombudsman's recommendations were implemented in practice, and he invited the delegation to comment on reports that NGOs were, in actual fact, not consulted on a systematic basis.

36. **Ms. Jelic** asked whether free legal assistance was accessible to all, including returnees and Serbian refugees.

37. **Mr. Politi** requested further information on the specific steps taken to regulate the transfer of small arms and light weapons and on how transparency was ensured in that regard.

38. **The Chairperson** asked whether there was a specific mechanism for following up on the Committee's recommendations. He requested more specific information on the verdicts mentioned in paragraph 73 of the report. Referring to paragraph 123 of the report, he said that he was concerned that victims might be deterred from coming forward by the fact that the police also filed reports with the authorities on victims of domestic violence whose actions had exceeded the scope of self-defence.

The meeting rose at 6 p.m.